

EDMUND G. BROWN JR., Attorney General
of the State of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General
GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2540
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2008-364

MELISSA RUTH HARLESS
8524 East 4th Avenue
Anchorage, AK 99504

ACCUSATION

Registered Nurse License No. 644030

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 31, 2004, the Board of Registered Nursing issued Registered Nurse License No. 644030 to Melissa Ruth Harless (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2010, unless renewed.

///

///

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3. This Accusation is brought before the Board of Registered Nursing
Department of Consumer Affairs, under the authority of the following laws. All section
to the Business and Professions Code unless otherwise indicated.

5

4. Section 2750 of the Business and Professions Code (Code) provides, in part, that the Board may discipline any licensee, including a licensee holding an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license does not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against a licensee or to render a decision imposing discipline on the license. Under section 2764 of the Code, the Board may renew an expired license at any time within eight years after the expiration of the license.

6. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or
ation for a certificate or license for any of the following:

“(a) Unprofessional conduct”

7. Section 2762 of the Code states:

“In addition to other acts constituting unprofessional conduct within the meaning [the Nursing Practice Act], it is unprofessional conduct for a person licensed under the Nursing Practice Act to do any of the following:

• • • •

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11100) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 11107, or any alcoholic beverages, to an extent or in a manner dangerous or

///

1 injurious to himself or herself, any other person, or the public or to the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
3 license.”

4 8. Section 11170 of the Health and Safety Code provides: “no person shall
5 prescribe, administer, or furnish a controlled substance for himself.”

6 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
7 request the administrative law judge to direct a licensee found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
9 and enforcement of the case.

10 10. **CONTROLLED SUBSTANCE**

11 a. Methamphetamine is a Schedule II controlled substances as defined in
12 Health and Safety Code section 11055(d)(2) and is categorized as a dangerous drug pursuant to
13 Business and Professions Code section 4022 of the Code.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Administered a Controlled Substance to Oneself)**

16 11. Respondent is subject to disciplinary action under section 2762,
17 subdivision (b) and Health and Safety Code section 11170 in that Respondent administered a
18 controlled substance, to wit: Methamphetamine, to herself. The circumstances are as follows:

19 A. Respondent was employed as a registered nurse at San Joaquin
20 Community Hospital, in Bakersfield, Ca. In the Fall of 2006, the staff at the hospital noticed that
21 Respondent began to change. She came to work with black eyes, bruises on her body and face.
22 She complained of marital problems. She lost weight. She would arrive late to work or not
23 show up at all. She became very rude to staff and patients. She would also have bouts of
24 spontaneous crying at work. Respondent was constantly wiping her nose as if she had a cold.

25 B. Hospital management became concerned about Respondent’s erratic
26 behavior. On or about March 23, 2007, management spoke to Respondent about her behavior.

27 ///

28 ///

She became very upset. Management wanted to conduct a drug screen. Respondent said her drug screen would come back positive. She admitted she had begun using “meth” recently. She also admitted she had consumed some “meth” as well. Respondent refused to take a drug screen. Respondent was terminated from the hospital.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a) on the grounds of unprofessional conduct as more fully set forth in paragraph 11, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 644030, issued to
Melissa Ruth Harless.

2. Ordering Melissa Ruth Harless to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 16/27/08

R. Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant